

partiality, but fearlessly and with firmness. While our own government affords protection and a safe asylum to honest, upright, and liberty-loving people, it has the right to demand, on their part, obedience to law and respect for our international obligations; and although a citizen, or other person living under the influence of American institutions, may enjoy the utmost liberty, consistent with public order, yet that liberty is a liberty regulated by law. It is not an unrestrained license, conferred upon an individual, to violate the law with impunity, and thus produce anarchy at home, or, as the case may be, imperil the amicable relations which may subsist between our own government and that of a friendly foreign power. Men must obey the law, else the social fabric falls. Independent states and nations must discharge their international obligations to each other, if they desire the maintenance of peace, and the continuance of friendly intercourse. The evidence in this case makes it manifest that the executive department of the federal government, with the active assistance and co-operation of the state authorities, has performed its duty in the endeavor to prevent a violation of the neutrality laws, by dispersing armed bodies of men, who, from the inception of the Garza movement until recently, infested the lower portion of this judicial district, and by aiding in the arrest of numerous persons supposed to be offenders against the statute. Let us, also, gentlemen, perform the duty assigned to us. The defendant now on trial is charged with a violation of this law, and it is for you to say whether he is guilty or innocent of the offense. Give the case a fair, candid, and impartial hearing. If he be innocent, do not hesitate so to declare. But if, under the evidence and foregoing instructions, you deem him guilty, then so say by your verdict. The case is now remitted to your keeping. Take it, and render such a verdict as may be just both to the government and the defendant.

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UNITED STATES v. BRADFORD.

(District Court, D. South Carolina. January 6, 1893.)

**FALSE PRETENSES—INTENT TO DEFRAUD.**

Under Act April 18, 1884, making it a felony to falsely pretend to be an officer or employe of the United States, with intent to defraud the United States or any person, where an indictment charges such false personation in order to defraud the United States or a certain railroad company, it must be shown, to authorize a conviction, that defendant, to consummate his fraudulent intent, so falsely represented himself to some agent of the government, or to some agent of the railroad company.

At Law. Indictment against Samuel J. Bradford for violation of Act April 18, 1884. Verdict of not guilty.

B. A. Hagood, Asst. U. S. Atty.  
Samuel Lord, for defendant.

SIMONTON, District Judge. The defendant is indicted under the act of congress approved 18th April, 1884, (23 St. p. 11,) falsely and fraudulently pretending and assuming to be an employe of the United States in order to defraud the United States or the Northeastern

Railroad Company. The admitted facts in the case are that on the morning of 19th December, 1892, Mr. Waring, postal clerk, was in his postal car at the depot of the Northeastern Railroad in Charleston. After assorting his mail, and while resting, he discovered the defendant concealing himself in a dark corner of the car. As soon as he discovered him, he sprung up and seized him by the collar. That defendant said at once, "I am Bradford, and in the service." Waring denying that he was in the service, defendant then said, "I have been discharged, but I am trying to steal a ride to Florence." Waring had an officer called, by whom defendant was arrested. In order to convict the defendant under this act, it must appear that he had formed an intent to defraud either the United States or the Northeastern Railroad Company; and that, to carry out this intent,—that is to say, as the means of consummating his intent,—he falsely pretended to be an employe of the United States. If it was his intent to defraud the United States, it must be shown by evidence that he falsely pretended to be such an employe to some agent of the government, in order, under this false personation, to consummate his intent. If his intent were to defraud the railroad company, then he must have represented falsely to some agent of the railroad company that he was an employe of the United States. These essential elements are wanting in this case. The jury must find the defendant not guilty

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UNITED STATES v. HURSHMAN.

(District Court, D. Washington, S. D. November 16, 1892.)

INDIANS—SALES OF LIQUOR.

Rev. St. § 2139, provides that every person who disposes of spirituous liquors to any Indian "under the charge of any Indian superintendent or agent \* \* \* shall be punished. \* \* \*" *Held*, that an Indian of the Nez Perces tribe, a soldier in the United States army, is within the meaning of the statute.

At Law. Charles Hurshman was accused of the offense of unlawfully disposing of spirituous liquor to an Indian, under Rev. St. § 2139, and held to answer therefor by a United States commissioner. The grand jury, being uncertain as to whether or not the facts shown by the testimony of the witnesses for the government brought the case within the statute, made a special presentment of the case. The court, being of the opinion that the presentment contained all the requisites of an indictment, caused the defendant to be arraigned, and required him to plead thereto, which he did, first by a demurrer, and afterwards by a plea of not guilty. Demurrer overruled. Trial, and verdict of not guilty.

Patrick Henry Winston, U. S. Atty.  
H. S. Blandford, for defendant.

HANFORD District Judge. Although the defendant has been acquitted, and this particular case is no longer of importance, the question upon the demurrer is new, and merits a concise and precise